

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 171969

12

ORIGIN L-02

INFO OCT-01 EB-01 ISO-00 IO-01 /005 R

66615

DRAFTED BY L/EB:FKWILLIS:LMS

APPROVED BY L/EB:FKWILLIS

EB/TT/MA:RKBANK

IO/CMD:RHINES

----- 000450

R 071801Z AUG 74

FM SECSTATE WASHDC

INFO RUFHOL/AMCONSUL HAMBURG 2167

AMEMBASSY MOSCOW

AMEMBASSY WARSAW

AMEMBASSY MONROVIA

USMISSION USUN NEW YORK

AMEMBASSY MADRID

AMEMBASSY CANBERRA

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY PANAMA

AMEMBASSY NEW DELHI

USLO PEKING

AMEMBASSY ATHENS

LIMITED OFFICIAL USE STATE 171969

FOL REPEAT EC BRUSSELS 5431 SENT ACTION SECSTATE INFO BERN

BONN BRUSSELS CANBERRA COPENHAGEN DUBLIN HELSINKI LONDON

LUXEMBOURG MADRID OSLO OTTAWA PARIS ROME STOCKHOLM

THE HAGUE TOKYO WELLINGTON VIENNA GENEVA OECD PARIS JUL 19

QTE

LIMITED OFFICIAL USE EC BRUSSELS 5431

E.O. 11652: N/A

TAGS: EFIN, ETRN, OECD, UNCTAD, EEC

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 171969

SUBJECT: SHIPPING: PROPOSED EC COUNCIL DECISION REGARDING MEMBER

STATE ACTION ON UN LINER CODE

REFS: (A) A-5007, JUNE 19, 1974
(B) EC BRUSSELS 4933 (NOTAL)
(C) EC BRUSSELS 4915 (NOTAL)

1. SUMMARY: THE EC COMMISSION HAS SENT THE EC COUNCIL A PROPOSED COUNCIL DECISION WHICH CALLS FOR THE MEMBER STATES TO REFRAIN FROM SIGNING, RATIFYING OR ACCEDING TO THE UN LINER CODE UNTIL THE COUNCIL DEFINES A COMMON POSITION. THE COUNCIL IS TO REACH SUCH A POSITION BEFORE JUNE 30, 1975. AS REPORTED IN REFTELS B AND C, THE COMMISSION BELIEVES THERE ARE SERIOUS PROBLEMS OF COMPATIBILITY BETWEEN THE LINER CODE AND THE ROME TREATY. END SUMMARY.

2. WE MET ON JULY 18 WITH PETER KARL OF THE EC COMMISSION'S TRANSPORTATION DIRECTORATE GENERAL WHO GAVE US A COPY OF A COMMISSION PROPOSAL FOR AN EC COUNCIL DECISION REGARDING THE U,N. LINER CODE. (COPIES HAVE BEEN SENT TO THE DEPT. EUR/RPE ATTENTION ALBRECHT USUN, USOECD AND USMISSION GENEVA.) THE PROPOSED DECISION, WHICH IS ACCOMPANIED BY AN EXPLANATORY MEMORANDUM AND AN ANNEX COMMENTING ON VARIOUS CHAPTERS OF THE LINER CODE, IS THE CONCRETE COMMISSION PROPOSAL MENTIONED IN REFTEL B WHICH IS DESIGNED TO PREVENT EARLY MEMBER STATE SIGNATURE OF THE LINER CODE.

3. THE PROPOSED DECISION READS AS FOLLOWS:

QUOTE: ARTICLE 1

1. WITHOUT PREJUDICE TO ALL OTHER POSSIBLE COMMUNITY ACTIONS, THE COUNCIL SHALL DEFINE BEFORE 30 JUNE 1975, AND ON A PROPOSAL FROM THE COMMISSION, THE FORM OF THE COMMON ACTION TO BE IMPLEMENTED AS REGARDS THE POSSIBLE CONCLUSION BY THE MEMBER STATES OF THE CONVENTION ON A CODE OF CONDUCT FOR LINER CONFERENCES.

2. WHILE AWAITING THE DECISION REFERRED TO IN PARAGRAPH 1, THE MEMBER STATES SHALL ABSTAIN FROM SIGNING RATIFYING OR ACCEDING TO THE ABOVE MENTIONED CONVENTION.

ARTICLE 2. THIS DECISION IS ADDRESSED TO THE MEMBER STATES.
END QUOTE.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 171969

4. IN THE EXPLANATORY MEMORANDUM THE COMMISSION TAKES TWO SEPARATE LINES OF ARGUMENT AGAINST MEMBER STATES RATIFYING THE TREATY BEFORE REACHING A COMMON POSITION. THE FIRST IS THE POSSIBLE INCOMPATIBILITY BETWEEN THE UN LINER CODE AND MEMBER STATES' OBLIGATIONS UNDER THE TREATY OR ROME, PARTICULARLY AS REGARDS THE PROHIBITION OF DISCRIMINATION, (ARTICLE 7), THE EC COMPETITION RULES AND THE COMMON COMMERCIAL POLICY. THE COMMISSION ADVISES AGAINST MEMBER STATE RATIFICATION UNTIL THE PROBLEMS OF COMPATIBILITY AS WELL AS

THE REPERCUSSIONS OF THE CONVENTION ON POSSIBLE COMMUNITY ACTION IN THIS FIELD HAVE BEEN CLEARED UP. IT WARNS THAT IT WILL TAKE ANY ACTION IT CONSIDERS NECESSARY (I.E. ACTION IN THE EUROPEAN COURT) TO SEE THAT THE ROME TREATY IS RESPECTED.

5. THE SECOND LINE OF ARGUMENT IS THAT REGARDLESS OF THE COMPATIBILITY PROBLEM, THE LINER CODE COVERS AREAS OF PRIME IMPORTANCE TO THE COMMON MARKET, AND THEREFORE MEMBER STATES SHOULD ADOPT A COMMON POSITION.

6. KARL TOLD US THAT THE EC PERMREPS MAY DISCUSS THE PROPOSED DECISION AT THEIR MEETING ON JULY 25. THE COMMISSION HOPES THE EC COUNCIL WILL APPROVE IT EARLY IN THE FALL. HE NOTED THAT THE IMMEDIATE CONCERN OF THE COMMISSION IS TO TRY TO HAVE THE NINE TAKE A COMMON POSITION AT THE UNCTAD SHIPPING COMMITTEE MEETING WHICH WILL BE HELD IN GENEVA ON JULY 29. GREENWALD
B

UNQTE
KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARINE TRANSPORTATION, LAW, MEETING AGENDA, TREATY SIGNATURE, COMMITTEE MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE171969
Document Source: CORE
Document Unique ID: 00
Drafter: FKWILLIS:LMS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740216-0784
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740866/aaaacfab.tel
Line Count: 135
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) A-5007, JUNE 19, 1974
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAR 2002 by shawdg>; APPROVED <15 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SHIPPING: PROPOSED EC COUNCIL DECISION REGARDING MEMBER STATE ACTION ON UN LINER CODE
TAGS: EFIN, ETRN, OECD, UNCTAD, EEC
To: HAMBURG MULTIPLE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005